

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Craftwood Lumber Company, an Illinois)	
corporation, on behalf of itself and all others)	
similarly situated,)	
)	
Plaintiff,)	Case No.
v.)	
)	
B.E. Atlas Company, an Illinois corporation,)	
)	
Defendant.)	

NOTICE OF REMOVAL OF CIVIL ACTION

Defendant B.E. Atlas Company (“BE Atlas”), by its attorneys Ice Miller LLP, and pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, hereby removes the above-entitled action from the Circuit Court of Lake County, State of Illinois to the United States District Court for the Northern District of Illinois, and as grounds for removal states the following:

1. On June 21, 2016, Plaintiff Craftwood Lumbar Company (“Plaintiff”), individually and on behalf of a putative class, filed a class action complaint in the Circuit Court of Lake County, Illinois captioned *Craftwood Lumbar Company v. B.E. Atlas Company*, No. 16 CH 946 (the “State Court Action”). A copy of the complaint and all other pleadings, attachments and orders served on BE Atlas in the State Court Action are attached hereto as **Exhibit 1**¹, in compliance with 28 U.S.C. § 1446(a).

2. Plaintiff’s complaint alleges three federal law causes of action against BE Atlas. Counts I and II assert a claim under the Telephone Consumer Protection Act (“TCPA”), codified at 47 U.S.C. § 227. Compl. ¶¶ 26-33. Count III asserts a claim for declaratory judgment for violation of the TCPA. Compl. ¶¶ 34-37. Therefore pursuant to 28 U.S.C. §1331, federal question jurisdiction exists.

¹ BE Atlas did not receive the signature page or the exhibits referenced in the Complaint. As such, they are not included with this filing.

3. Plaintiff served BE Atlas with the summons and the complaint in the State Court Action on or about July 6, 2016. Removal is timely under 28 U.S.C. §1446(b) because this Notice of Removal was filed within 30 days of the date on which BE Atlas was served with a copy of the initial pleading setting forth the claim for relief upon which this action is based.

4. As to federal question jurisdiction, in *Mims v. Arrow Fin. Servs, LLC*, 132 S.Ct. 740 (2012) the United States Supreme Court ruled that federal question jurisdiction exists over TCPA claims. Federal question jurisdiction therefore exists over Plaintiff's claims in this case, as Plaintiff alleged three counts pursuant to the TCPA and raised disputed questions of federal law. 28 U.S.C. § 1331; *see Mims*, 132 S.Ct. at 747 ("We now hold that Congress did not deprive federal courts of federal question jurisdiction over private TCPA suits.").

6. Venue is proper in the United States District Court for the Northern District of Illinois, Eastern Division under 28 U.S.C. § 1441(a) because the Northern District of Illinois, Eastern Division is the federal district court that embraces Lake County, Illinois, the place where the original action was filed and is pending.

7. BE Atlas will give prompt written notice of the filing of this Notice of Removal to counsel for Plaintiff, and will file a copy of the Notice of Removal with the Clerk of the Circuit Court of Lake County, Illinois, as provided by 28 U.S.C. §1446(d).

Dated: August 4, 2016

Respectfully Submitted,

B.E. ATLAS COMPANY

By: /s/ Bart Murphy
One of its attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been via email and deposited in the U.S. mail, first-class postage prepaid, on the 4th day of August, 2016, addressed to:

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